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FILED
TIME 9:21 A.M.
JUN 15 2011

IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA

VIRLYNN TINNELL
CLERK SUPERIOR COURT
CM

Honorable Steven F. Conn
Division: III Courtroom: A
Court Reporter: Jim Glover

Virlynn Tinnell, Clerk of Superior Court
By: Christine Murphy, Deputy Clerk
Hearing Date: June 14, 2011

STATE OF ARIZONA,

Plaintiff,

vs.

JOHN CHARLES MCCLUSKEY,

Defendant.

CASE NO: CR-2010-00823

JURY TRIAL-DAY ONE

START: 9:47 A.M.

APPEARANCES: Victoria Stazio, Deputy County Attorney; John Pecchia and Jason Steffen,
Attorney's for and with the Defendant.

Twenty six prospective jurors are called. They are called as follows:

233215	230965	234285	234693	237469	239024	236665
234946	232400	232649	231892	235440	237179	237186
230287	238696	236393	233419	229370	236731	235410
236428	237932	237622	230395	230269		

The prospective jurors are duly sworn.

Counsel state they are ready to proceed.

The State makes a brief statement.

Mr. Steffen makes a brief statement.

The Court reads the charges to the prospective jurors.

The Court questions the prospective jurors Voir Dire.

Juror 232649 is excused for cause and juror 231935 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 229370 is excused for cause and juror 232878 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 231935 is excused for cause and juror 229863 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 232878 is excused for cause and juror 236636 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 229863 is excused for cause and juror 238920 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 230287 is excused for cause and juror 229132 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 238696 is excused for cause and juror 234951 is called in her stead and duly sworn. The Court continues Voir dire.

Juror 229132 is excused for cause and juror 230699 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 234951 is excused for cause and juror 233712 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 233712 is excused for cause and juror 234150 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 234150 is excused for cause and juror 236136 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 236136 is excused for cause and juror 233853 is called in her stead and duly sworn. The Court continues Voir Dire.

The Court admonishes the prospective jurors and the Court recesses at 11:09 a.m.

The Court reconvenes at 11:23 a.m.; all parties heretofore mentioned are present, including the prospective jurors.

The Court continues Voir Dire.

Juror 231892 is excused for cause and juror 235149 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 237179 is excused for cause and juror 234743 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 236393 is excused for cause and juror 231018 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 236428 is excused for cause and juror 229407 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 235149 is excused for cause and juror 232315 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 234743 is excused for cause and juror 237020 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 237020 is excused for cause and juror 230686 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 230686 is excused for cause and juror 235754 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 234693 is excused for cause and juror 235463 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 235410 is excused for cause and juror 229657 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 229657 is excused for cause and juror 237521 is called in her stead and duly sworn. The Court continues is Voir Dire.

Juror 237521 is excused for cause and juror 238566 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 231018 is excused for cause and juror 238131 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 230395 is excused for cause and juror 230665 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 230665 is excused for cause and juror 230297 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 230297 is excused for cause and juror 238731 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 238731 is excused for cause and juror 235679 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 239024 is excused for cause.

Juror 235679 is excused for cause.

The Court admonishes the prospective jurors and the Court recesses at 12:33 p.m.

The Court reconvenes at 1:40 p.m.; all parties heretofore mentioned are present, including the prospective jurors.

Juror 236267 and juror 231209 are called and duly sworn. The Court continues Voir Dire.

Juror 231209 is excused for cause and juror 232770 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 232770 is excused for cause and juror 238545 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 234285 is excused for cause and juror 229231 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 236731 is excused for cause and juror 232565 is called in his stead and duly sworn. The Court continues Voir Dire.

Juror 232565 is excused for cause and juror 233322 is called in her stead and duly sworn. The Court continues Voir Dire.

Juror 233322 is excused for cause and juror 233426 is called in his stead and duly sworn. The Court continues Voir Dire.

Mr. Steffen questions the prospective jury panel Voir Dire.

The Court admonishes the prospective jurors and excuses them at 2:51 p.m.

Now, outside the presence of the jury:

The Defense moves to conduct individual Voir Dire pertaining to certain prospective jurors as to *specific* information and knowledge gained from the media and any other information sources.

Mr. Steffen presents argument.

Ms. Stazio presents argument.

The Court proposes to bring in one juror at a time as to the thirteen prospective jurors that the Defense is requesting and to question them individually about what *specific* knowledge they have obtained from the media and any other information source.

The clerk is directed to call prospective Juror 230965 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 229231 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 235463 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 237469 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 236267 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 232315 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 235440 into the courtroom; the Court questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 237186 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 230699 into the courtroom; the Court questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 233853 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 233419 into the courtroom; the Court questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 233426 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 229407 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The clerk is directed to call prospective Juror 237932 into the courtroom; the Court questions the prospective juror Voir Dire; Mr. Steffen questions the prospective juror Voir Dire and is excused.

The State passes the panel at this time.

The Defense moves to strike for cause prospective Jurors 235463, 236665, 236267, 237186, 237622 and 229407 for reasons stated on the record; the State opposes for reasons stated on the record.

The Court does not believe there is a basis to strike any of these prospective jurors for cause.

IT IS ORDERED denying the Defense Motion to Strike for cause prospective jurors 235463, 236665, 236267, 237186, 237622 and 229407.

The Court recesses at 4:25 p.m.; for counsel to exercise their peremptory strikes.

The reconvenes at 4:49 p.m.; all parties heretofore mentioned are present, including the prospective jurors.

The clerk is directed to call the names of the fourteen members of the jury. They are called as follows:

237469	236665	232400	235440	237932	230269	238920
230699	235754	238566	236267	238545	229231	233426

The Court thanks the remaining prospective jurors and excused them.

The fourteen members of the Jury are duly sworn and admonished.

The Jury is excused and the Court recesses at 5:02 p.m.

cc:

MOHAVE COUNTY ATTORNEY*

Victoria Stazio

MOHAVE COUNTY PUBLIC DEFENDER*

John Pecchia and Jason Steffen

THERESA M. DUNCAN*

Federal Counsel

Informational Copy

MOHAVE COUNTY JAIL*

HONORABLE STEVEN F. CONN*

Division III